

**CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8**

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: October 12, 2009 Name: G. Peter Nichols Signature: /G. Peter Nichols/

**BRINKS  
HOFFER  
GILSON  
& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Brovelli et al.

Appln. No.: 10/774,092

Filed: February 6, 2004

For: **METHOD OF AUGMENTING THE  
IMMUNE-MODULATORY ACTIVITY OF  
STANDARDIZED ECHINACEA  
PREPARATIONS**

Examiner: Patricia A. Leith

Art Unit: 1655

Conf. No.: 7125

Attorney Docket No.: 3086/1734 (AM 1150)

**TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**Attached is/are:**

☒ Response to Non-Final Rejection.

**Fee calculation:**

☒ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 CFR § 1.136(a).

☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 CFR § 1.17(\_\_\_\_).

☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	OR	Rate	Add'l Fee
Total	7	Minus	22	0	x \$26=			x \$52=	0
Indep.	3	Minus	8	0	x \$110=			x \$220=	
First Presentation of Multiple Dep. Claim									
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**Fee payment:**

☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_ for \_\_\_\_\_.

☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

October 12, 2009  
Date

/G. Peter Nichols/  
G. Peter Nichols, Reg. No. 34,401